

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

KEMAN FITZPATRICK,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-13-284-M
)	
WILLIAM MONDAY, and)	
SCOTT PRUITT,)	
)	
Respondents.)	

ORDER

On May 3, 2013, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that the Petition for Writ of Habeas Corpus be dismissed as untimely filed. The parties were advised of their right to object to the Report and Recommendation by May 20, 2013. After receiving an extension of time, on July 5, 2013, petitioner filed his response to the Report and Recommendation.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 9] issued by the Magistrate Judge on May 3, 2013, and
- (2) DISMISSES the Petition for Writ of Habeas Corpus as untimely filed.

IT IS SO ORDERED this 10th day of July, 2013.


VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE